

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GEORGE ROSEWARNE,

Plaintiff,

CASE NO. 1:07-cv-1217

v.

HON. ROBERT J. JONKER

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER APPROVING REPORT AND RECOMMENDATION**

The Court has reviewed the Magistrate Judge's Report and Recommendation (docket # 15) filed on February 12, 2009. Plaintiff filed his Objections to the Report and Recommendation (docket # 16) on February 24, 2009.

Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, "[t]he district judge . . . has a duty to reject the magistrate judge's recommendation unless, on de novo reconsideration, he or she finds it justified." 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b)(3); *see also* 28 U.S.C. § 636(b)(1)(C). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981).

The Report and Recommendation recommends that Plaintiff's Complaint (docket #1) be dismissed. Magistrate Judge Brenneman concluded that the Commissioner's decision was supported by substantial evidence, and that Plaintiff had failed to show good cause why the case should be remanded to the Commissioner. After a de novo review of the record, the Court agrees with Magistrate Judge Brenneman that the Commissioner's decision should be affirmed and that Plaintiff's complaint should be dismissed.

Petitioner objects to the Report and Recommendation, but his objections do not address or identify any record bases contradicting the Commissioner's findings or establishing good cause for remand. This Court must uphold decisions of the Commissioner of Social Security so long as those decisions are supported by substantial evidence. 42 U.S.C. § 405(g); *McKnight v. Sullivan*, 927 F.2d 241 (6th Cir. 1990). Neither Plaintiff's Complaint nor his Objections to the Magistrate Judge's Report and Recommendation establish that the Commissioner's decision lacked substantial evidentiary support, and there is no contention that the Commissioner employed an improper legal standard in addressing Plaintiff's claim to disability benefits.

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed February 12, 2009, is approved and adopted as the opinion of the Court, as further supplemented by this Order.

**IT IS FURTHER ORDERED** that Plaintiff's Complaint (docket #1) is **DISMISSED**.

Dated: March 18, 2009

/s/ Robert J. Jonker  
ROBERT J. JONKER  
UNITED STATES DISTRICT JUDGE